William Cobbett

THE

Rush-Light.

15th MARCH, 1800.

BEING THE THIRD NUMBER OF VOLUME I.

RUSH AND HIS SUPPORTERS.

(Continued from page 81 of No. II.)

" Can the *Rush* grow up without mire?
" —Whilst it is yet in his greenness,
" and not cut down, it withereth before
" any other herb.—So are the paths of
" all that forget God; and the *hypocrite's*
" hope shall perish!"

JOB. c. viij. v. 11, 12, 13.

A Defence of the Publications on which the action of Rush was grounded.

THAT a low-bred fellow, like *Rush*, whom the troubled motions of revolt had brought bubbling up from the mud of society; that a fellow, who had extolled his drugs in news-papers, pamphlets and books, without number, and who

had, in these various publications, not only ridiculed, decried and abused both the practice and the persons of the first medical gentlemen in the country, but had contemptuously placed them beneath his herd of "undisciplined practitioners," his auctioneers, his negroes and his old women; that such a mushroom being, such a notorious despoiler of the medical character, should have the assurance to appeal to the law, the moment his own practice was assailed, would have excited universal indignation amongst any people but the poor, tame, trodden-down citizens of Philadelphia, and must appear totally unaccountable to every foreign reader, 'till I have, by and by, explained the circumstances, under which the action was commenced, and under which it was foreseen it would, first or last, be decided.*

The

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* Rush was advised by *Ingersol*, one of his lawyers, to drop this suit; but, the meek, the kind, the unoffending, the benevolent Rush, knew better things.---And this is a proper place to give a striking instance or two of the dissimulation of this man. As to *war* he always pretended to be a quaker, 'till he had a son big enough to ask a commission for! See his silly plan of what he calls a *Peace-Office* of the United States.---But an instance of insincerity, more to my present purpose, is to be found in his canting address to the Clergy, where he says:--- "*Law-Suits* should "be discouraged as much as possible. It is with inexpres- "sible pleasure that I have lately seen an account of a re- "commendation from the presbyterian synod to the churches "under their care, to settle all disputes after the manner of "the primitive christians and the *friends*," [a slobber for the quakers,] "by arbitration. Blessed event in the his- "tory of mankind! may their practice spread amongst all sects

THE commencing of the action proves, however, that the practice of the impudent innovator had received a mortal blow; it proves that the publications, for which I was sued, were *efficacious;* and, that they were *not unlawful*, I trust, notwithstanding the decision of a Philadelphian court and jury, I shall find but little difficulty in making appear to the satisfaction of every man who is not an ideot or a prostituted knave.

IN making this defence, I shall suppose myself in the court, and having heard the evidence and the pleadings, replying to the whole that was urged against me. As I shall use the words, "*Gentlemen of the Jury,*" I beg leave to premise, that the word

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"sects of christians, and may it prove a prelude of that hap-
"py time foretold in scripture, when *war* and murder shall
"be no more."---There he is again!---That's the canting Rush!---But, when his professions are brought to the test, when he is urged to put them in practice, he laughs at those who were foolish enough to think him sincere. He could not find words to express his pleasure at hearing that the synod had protested against law-suits, but he could not be persuaded, even by his confidential lawyer, to forbear going to law himself. The truth is, Rush is notorious for the litigiousness of his disposition; and there are few men, even amongst the spiteful and wrangling crew that he is connected with, who have brought so many actions, who have been so often in the court, as himself.---Observe, too, that this meek-minded moralist, who, in conjunction with his quaker friends, has been constantly hatching some *peace-making* project; observe, I say, that this love-seeking saint, who feels such yearnings, such gripings and bowel-hankerings for "the *blessed time* when *war* and *law-suits* shall be *no more,*" has, out of two sons, made shift to fabricate a *Lieutenant* and a *Lawyer!!*

word *gentlemen* will be admitted, on this occasion, for form's sake only.

GENTLEMEN OF THE JURY,

I RISE to defend a man, remarkable for his frankness, against the under-hand machinations of hypocricy; I rise to defend, against a charge of slander, a man who has been slandered without measure and without mercy; I rise to defend an honest, loyal, and public-spirited Briton against the false and calumnious suggestions of private malice, political prejudice, and national antipathy.

I SHOULD degrade the character of the defendant by comparing it with that of *Doctor Rush*, or by submitting it to *your* investigation. To the malignant aspersions of Hopkinson, Levi and Ingersol I shall, therefore, make no reply; but shall confine myself to the subject with which alone you have, on this occasion, any thing to do.

MR. Cobbett stands charged with having, during the prevalence of the yellow fever of 1797, published certain false and malicious slanders against Doctor Rush. The *printing* and *publishing* the defendant would rather cut his head off than disown, but the *falshood* and *malice* imputed to him he utterly denies.

MUCH might be said as to the extent of the words, cited in the declaration. It would, I believe, be very difficult to make out such an application

plication as would, according to the strict letter of the law, establish any one of the charges preferred by the plaintiff. But, the defendant scorns to take shelter under a subterfuge: it is for his enemies to have recourse to the perversion of the law. He is proud to acknowledge, that all the censorious expressions, of which he is, on this occasion, accused of having published, were not only published by him, but were pointed at Doctor Benjamin Rush; and, moreover, that they were not only pointed at Rush, but were so pointed for the express purpose of destroying his practice, so far as that practice corresponded with the well-known and justly-abhorred System of Depletion.

NEITHER will I distract your minds (which, God knows, are by nature sufficiently confused) by controverting the unfair constructions of the opposite council. I shall admit most of the meanings which they have attributed to the words of the defendant, and those which I do not admit I shall clearly prove not to exist.

THE defendant stands charged,

1. With calling Doctor Rush a *vain boaster*.
2. With calling him a *quack*.
3. With calling him *Sangrado*.
4. With saying that he *slew his patients*.

BY the lawyers, on both sides, the *Constitution of Pennsylvania*, and the rights and advantages

ges thereby conferred and insured, have been much harped upon, as if the liberty of the press were become the greater in consequence of that modern institution; but all these rights and advantages, however valuable they may be in the eyes of a sovereign people, the defendant, in this action, most chearfully foregoes. He asks for no other privilege, no other security for his person and his property, than that which will arise from a fair interpretation and a due execution of the *Common Law;* that law under the shielding branches of which he was born and nursed up to manhood, which was planted here by the benignant hand of his Sovereign, and which, though buffetted by many a storm, and bearing the mark of many an axe at its roots, still stands its ground, and still shelters the inhabitants of these States from the uplifted stroke of anarchical despotism. This is the law, to which Mr. Cobbett appeals in his defence; and, happily for the country, this law is yet the only code, to which, in this case, either party can appeal.

NOT to hamper you with a string of definitions and nice distinctions, I shall observe, generally, that to justify a jury in awarding damages, on any charge of slander, they must be clearly convinced of four things; to wit: 1. that the defendant uttered or published the words laid to his charge; 2. that those words were meant to apply to the plaintiff; 3. that the words are false; and, 4. that they were uttered or published with a malicious or criminal intent.

THE

THE publishing of the words laid in the declaration, and their application to the plaintiff, the defendant most readily avows; but, if I can prove to you (or if you *already know of yourselves*), that the words are *true*, and that the defendant did no more than fulfil his *duty* in publishing them, you ought well to remember your oaths before you give damages to the plaintiff.

I SHALL examine the charges in the order that they stand. 1. *The defendant has called Doctor Rush* A VAIN-BOASTER. I aver this to be *true*, and prove it by Rush's own publications, respecting his practice in 1793. On the 12th of September he published in all the papers, that, *with his new discovered remedies*, there was no more danger to be apprehended from the yellow fever, than from the measles or influenza. On the 17th of the same month, he wrote to the College of Physicians, that *his discovery*, as far as it went, reduced the yellow fever, in point of danger and mortality, to a level with a common cold. On the 3rd of October he wrote to Dr. Rogers at New York (publishing his letter, as well as that to the College, in the news-papers), declaring that, *he had been made the instrument in the hands of a kind Providence of curing* MORE *than ninety nine patients out of a hundred.* This was certainly *boasting*, and that it was *vain* boasting is notorious; for, at the very time that he wrote and published these boastings, his remedies were making dreadful havock; from the date of the first, the 12th of September, to that of the third, wherein

wherein he brags of curing *more* than ninety nine out of a hundred, the daily bills of mortality rose from 23 to 78! And, just after the last mentioned most impudent boast was made, *four* patients out of *six* died in his own house!

UPON your oaths now I ask you, is this fellow a *vain boaster*, or is he not?

2. THE defendant called Doctor Rush *a quack*—And here, in order to make out the justification, it would be my duty to examine the meaning of the term; but the good-natured advocates of the bleeding Doctor have kindly saved me that trouble: they have most unfortunately taken the definition of Addison, and have stated a quack to be: "*a boastful pretender to physick; one who proclaims* "*his own medical abilities and nostrums in public* "*places.*"

Now, then let us see whether, or not, the Doctor's conduct brings him up to this definition.

DURING the whole of the fever of 1793, and from that time to the fever of 1797, he made no scruple to declare, that none of the physicians, who did not follow his practice, ought to be trusted with the life of a patient. His lectures abound with his insolent pretensions to superiority in medicine. Notorious is it that he has, all his life, been a proclaimer of his own medical abilities; but, to come to something more specifick, on the 12th of September, 1793, he published the following advertisement.

Doctor

" *DOCTOR RUSH*

" REGRETTING that he is unable to comply " with all the calls of his fellow-citizens in- " disposed with the prevailing fever, recommends " to them to take *his mercurial purges*, which may " now be had with suitable directions at most of " the apothecaries, and to lose 10 or 12 ounces of " blood as soon as convenient after taking the pur- " ges, if the head-ache and fever continue.---When " the purges do not operate speedily, bleeding " may now be used before they are taken.---*The* " *almost universal success with which it has pleased* " *God to bless the remedies of strong mercurial pur-* " *ges and bleeding in this disorder*, enables Dr. Rush " to assure his fellow citizens that there is no more " danger to be apprehended from it *when these re-* " *medies* have been used in its early stage, than " there is from the meazels or influenza.---Dr. Rush " assures his fellow-citizens farther, that the risks " from visiting and attending the sick *at present*, " is not greater than from walking the streets.--- " While the disease was so generally mortal, or *the* " *successful mode of treating it only partially adopted*, " he advised his friends to leave the city; *at present* " he conceives this advice unnecessary, not only be- " cause the disease is under the power of medicine, " but because the citizens who now wish to fly into " the country cannot avoid carrying the infection " with them;—they had better remain near to *medi-* " *cal aid*, and avoid exciting the infection into ac- " tion."

" NEAR to *medical aid;*" that is, near to *him;* —It was safer to remain near him, though in the midst of pestilence, than be near any other physician, though in the sweet air of the country! This Advertisement is assuredly the most impudent that ever was published; no Leicester-square quack

ever equalled it. At the very time that Rush had the impudence thus to tell the people, that there was no longer any danger, *if they used his remedies;* at the very time that he was thus advising them not to leave the city, but *to remain near to medical aid;* at the very time that he was *blessing God for the almost universal success of his remedies;* the bills of mortality were daily increasing in a dreadful degree. On the day before the above advertisement appeared, the number of deaths was *twenty three;* and from that day they began to increase, and they went on increasing, 'till, at the end of one month after the infallible remedies had been in vogue, they had arisen from *twenty three* to *one hundred and nineteen.*

But it is the *quackish language* of the Advertisement which is at present the object of ou examination. It is absolutely impossible to read the Doctor's puff without observing the strict resemblance that it bears to what the Cockney's call the "Doctor's Bills." The defendant has compared Rush's puffs to the puff of *Spilsbury;* and this has been made a charge against him. But, hear Dr. Spilsbury, and then say, if you can, that the comparison is not just.

"We *congratulate our fellow creatures,* in having it in "their power to get relieved from the most unpleasant com- "plaints incident to human nature, such as the scurvy, gout, "rheumatism, evil, ulcers, and other disorders arising from "*impurities of the blood,* indigestion, &c. by taking Spilsbu- "ry's Antiscorbutic Drops, a medicine well known upwards "of twenty-six years for having performed more extraordi-

"nary

" nary cures than any other ever invented, and whose repute
" has reached the remotest corners of the universe, every na-
" tion bearing grateful testimony of its eminent virtues; how
" happy therefore is it for the inhabitants of this island, that
" they can supply themselves with a medicine which, should
" they travel to any part of the globe, will secure them from
" the fatal consequence that too often attend the above com-
" plaints."

THE defendant has called this a puff *equal* to Doctor Rush's, and, if there be any *untruth* in his words, it is because Spilsbury's puff is *inferior* to that of Rush; for, surpass it, it certainly does not.

STILL, however, clearly to establish the *quackery*, the man must not only boast about his medical abilities and the virtue of his nostrums, but he must do this in *publick places*. That Rush's boastings were heard in all the streets of Philadelphia is notorious, and it is also notorious, that the above boasting Advertisement, as well as several others of a like nature, were published in all the *newspapers*. It is notorious that they were besides printed on hand-bills, given away in the Apothecaries' shops, handed about the streets, and stuck upon the walls, houses, and public pumps!

Is not this man "a boastful pretender to phy-
" sick, one who proclaims his own medical abili-
" ties and nostrums in *publick places?*" And, if this be quackery, I ask you upon your consciences, if you have any, whether Rush is, or is not, a *quack?**

3. MR.

* The Advertisements of the *retailers* of his nostrum must not be forgotten.

" DR.

3 Mr. Cobbett, is charged with calling Doctor Rush *Sangrado*.—To call a man Sangrado is nothing; but, Gentlemen, you have been told by the *learned* Harper and the more *learned* Ingersol, who, it would seem, have both studied Gil Blas, "that this Sangrado was a *quack* damned to everlasting fame," and that, therefore, to call Doctor Rush *Sangrado*, is to call him a *quack*. Were this correct, the charge would be already answered; but, it is not so. Poor Sangrado was, according to the definition of Rush's advocates, no quack; for he did not "proclaim his own "medical abilities and nostrums in publick places;" and, therefore, the word Sangrado, as applied to Rush, was no slander.

But, Gentlemen of the Jury, the defendant is a candid satyrist; he will, in no case, seek for safety

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"Dr. Rush's *celebrated* mercurial purging and sweating "powders for preventing and curing the prevailing putrid "fever, may be had carefully prepared, *with proper directions*, "at Betton and Harrisons, No. 10, South Second street."

"Dr. Rush's mercurial sweating purge for the yellow "fever, may be had carefully prepared, *with the doctor's* "*directions*, and sold by William Delany, druggist and "chemist, &c."

"Dr. Rush's mercurial sweating powder for the yellow "fever, with *printed directions*, prepared and sold *by per-* "*mission*, by Goldthwait and Baldwin, chemists and drug- "gists, &c."

Now, reader, if you had met with these advertisements in a news-paper, without having any previous knowledge of the parties concerned, should you not have set this Rush down for a potent quack? I am sure you would.

safety under the leward side of the law. Whether the word Sangrado be slanderous or not, he will allow you to assess damages against him for the application of it, if he cannot prove to you that that application was *just*.

EMINENT men are frequently called by the names of other eminent men, who have lived in former times, or in other nations. It is a figure of rhetorick, which every one is at liberty to make use of. Thus, *Tom Paine* is called the *Wat Tyler* of the present age, and *Doctor Rush* is called the *American Sangrado*. All that a writer has to do, to justify, either in a court of criticism or a court of law, the use of such a figure, is, to prove, that the great man, whom he has designated by the name of another, bears such a resemblance to that other as the tenor of the words do evidently imply.

WHAT sort of resemblance, then, do Mr. Cobbett's words imply between Doctor Rush and Doctor Sangrado? Do they tend to produce a belief that the American resembles the Spaniard in his *person*, in his *general character*, or in his *medical opinions, practice, and fame?* Most assuredly the resemblance was meant to exist in the latter respect only; for, Doctor Sangrado is described as "a *tall, meagre, pale man*, who had "kept the shears of Clotho employed during forty "years at least, and who was, in spite of all his "*vanity* and *presumption*, a *down-right ninny*."

It being evident, then, that the defendant meant a resemblance in the medical opinions, practice and fame of these two celebrated physicians, it only remains for me to prove to you, Gentlemen, that the words, expressing such a resemblance, were founded in *truth*. Here are the two pictures; examine them yourselves.

DOCTOR SANGRADO. *(Extracts from Gil Blas.)*	DOCTOR RUSH.
1. " His opinions were " *extremely singular.*"	1. *Singularity of opinion*, in every thing, is his boast: for instance, his plan of a *peace-office* to supply the place of a *war-office;* and his taking the cure of diseases out of the hands of *physicians* to put it into those of the people.
2. " Sangrado sent me for " a surgeon, whom he or- " dered to take from my " master *six good porrin-* " *gers of blood!* When " this was done he ordered " the surgeon to return in " three hours and take *as* " *much more*, and to repeat " the same evacuation the " next day!"	2. " I bled my patients " twice, and a few *three* " *times a-day!* I preferred " frequent and small, to " large bleedings in the be- " ginning of September; " but towards the heighth " and close of the epide- " mick, I saw no inconve- " nience from the loss of a " *pint*, and even *twenty oun-* " *ces of blood at a time!*" RUSH ON YEL. FEV. '93.
3. " This bleeding, San- " grado said, was *to supply*	3. " From the influence " of early purging and *bleed-*

" *the want of prespiration.*
" So when I came to prac-
" tice, says Gil Blas, be-
" ing asked by an old wo-
" man what was the matter
" of her daughter, I told
" her, with great gravity,
" that the illness proceeded
" from the patient's want
" of prespiration, and, that
" of consequence she must
" be speedily be blooded,
" *that evacuation being the*
" *only substitute for prespi-*
" *ration.*"

4. " Not *bleed in a drop-*
" *sy,*" said he, " the pa-
" tient in a dropsy should
" be blooded every day."

5. " Sangrado said, it is
" a *gross error*, Master
" Martin Onez, to think
" that blood is *necessary*
" *for the preservation of*
" *life:* a patient *cannot be*
" *blooded too much!*"

6. " Doctor Sangrado
" said to me, I have a re-
" gard for thee Gil Blas,
" [a *foot-boy*] and will im-
" mediately disclose to thee

" *ing* in *promoting sweat*
" in the yellow fever, there
" can be little doubt, but
" the efforts of nature to
" unload the system in the
" plague through the pores,
" might be accelerated by
" the use of the same reme-
" dies. A profuse sweat
" cannot fail of wasting
" *many pounds* of the fluids
" of the body. *To corre-*
" *spond in quantity with*
" *the discharge from the*
" *skin, blood-letting should*
" *be copious.*"

RUSH ON YEL. FEV.

4. Rush has frequently astounded the physicians of Philadelphia by recommending *bleeding in the dropsy.*

5. " You should bleed your patients *almost to death, at least to fainting.*" This is an extract which Rush gives from a letter of poor old Shippen, and calls it " the triumph of *reason*
" over the formalities of
" medicine."

6. Doctor Rush says:
" All the knowledge that
" is necessary to discover
" when blood-letting is
" proper, might be taught

" the whole extent of that
" salutary art, which I have
" professed for so many
" years. Other physicians
" make this consist in the
" knowledge of a thousand
" different sciences; but I
" intend to go a shorter way
" to work, and spare thee
" the trouble of studying
" pharmacy, anatomy, bo-
" tany and physick. Know,
" my friend, all that is re-
" quired is to *bleed* the pa-
" tients, and make them
" drink warm water. This
" is the secret of curing all
" the distempers incident
" to man. Yes! that won-
" derful secret which I re-
" veal to thee, and which
" nature, impenetrable to
" my brethren, hath not
" been able to hide from
" my researches, is contain-
" ed in these two points, of
" plentiful bleeding and fre-
" quent draughts of water.
" I have nothing more to
" impart; thou knowest
" physick to the very bot-
" tom."

7. " I have *published a*
" *book*, said Sangrado, in
" which I have extolled
" the use of bleeding, and
" would you have me de-
" to *a boy or girl of twelve*
" *years old*, in a few hours.
" I taught it in less time to
" several persons [the two
" *negroes* for instance] du-
" ring the prevalence of
" our late epidemic.—We
" teach a hundred things
" in our schools less useful,
" and many things more
" difficult, than the know-
" ledge that would be ne-
" cessary to cure a yellow
" fever or the plague.—For
" a long while the ele-
" ments themselves were
" dealt out by physicians
" with a sparing hand.
" They possessed a mono-
" poly of many artificial
" remedies, but a new or-
" der of things, is rising in
" medicine as well as in
" government. The time
" must and will come, when
" the general use of calo-
" mel, jalap, and the lan-
" cet, shall be considered
" amongst the most essen-
" tial articles of the know-
" ledge, and rights of man."

7. Rush also has *publish-*
ed a book, and, in that book
he has said: " I was part
" of a little circle of phy-
" sicians, who had *associat-*

" cry my own work? Oh,
" no! replied I, you must
" not give your enemies
" such a triumph over you:
" it would ruin your repu-
" tation: perish rather the
" nobility, clergy and peo-
" ple!"

" *ed* themselves in *support*
" of the *new remedies*.—
" This circle would have
" been broken by my quit-
" ting the city.— Under
" these circumstances, it
" pleased God to enable me
" to reply to one of the let-
" ters that urged my retreat
" from the city, that I had
" resolved to *stick* to my
" *principles*, my *practice*,
" and my patients, *to the*
" *last extremity!*"

8. " My master had re-
" course to physicians, and
" sent for Doctor Sangra-
" do, whom all Validolid
" looked upon as *another*
" *Hippocrates*."

8. " Look at the conduct
" of Doctor Rush," said pleader Hopkinson, " and
" say if it did not *resemble*
" *that of Hippocrates*."

Now, Gentlemen, what think you of the resemblance? Doctor Sangrado is a man of *singular opinions*; so is Doctor Rush. Doctor Sangrado draws blood *porringer after porringer;* Doctor Rush, *pint after pint*. Doctor Sangrado employs copious bleedings to *supply the want of prespiration;* so does Doctor Rush. They both recommend *bleeding in the dropsy*. Doctor Sangrado says that it is a gross error to think *that blood is necessary to the preservation of life;* Doctor Rush calls it the triumph of *reason* to prescribe *bleeding almost to death*. Doctor Sangrado sends a *foot-boy*, a *laquay*, to bleed and drench the citizens of Validolid;

lid; Doctor Rush qualifies *negroes*, and *old-women* to bleed and purge those of Philadelphia. Doctor Sangrado has written a book; so has Doctor Rush: and they both resolve *to stick to their principles and practice to the last extremity*. Doctor Sangrado is called, by his cotemporaries, the *Hippocrates of Spain*; Doctor Rush's cotemporaries call him *the Hippocrates of Pennsylvania*.—The only shade of difference is in their practice; the American employs doses of mercury and jalap, while the Spaniard contents himself with draughts of warm-water; and, I believe, you will confess, that the latter is, at least, as innocent as the former.

But, Gentlemen of the Jury, there needed no such laboured comparison, to prove to you, that the name of Sangrado was fairly applicable to the plaintiff. You know, Gentlemen, that Doctor Rush has erected his *bleeding system* upon the opinions of *Botalhus*, a French physician, whose name he mentions with great applause in p. 330 of his Account of the Yellow Fever. This *Botallus* endeavoured to introduce the practice of *excessive bleeding*, which was condemned by the faculty of medicine at Paris; and you well know, that the practice of his American follower was honoured with something very much like condemnation by the College of Physicians at Philadelphia. But, the most curious fact is, that Le Sage introduced the character of *Sangrado* into the novel of Gil Blas for the express purpose of ridiculing this very *Botallus!* I have carefully examined the biography

of

of Le Sage, and I can no where find, that he was sued or prosecuted by bleeder *Botallus;* so that, the master in blood must have been of a more meek and forbearing disposition than the disciple, or the liberty of the press, in the "dark ages," under a French Monarch, must have been greater than it is, even in "these enlightened days," under the sovereign people of Pennsylvania.

THE 4th and last charge preferred against the defendant, is, *that he has said, that Doctor Rush* SLEW HIS PATIENTS. The passage from Porcupine's Gazette, on which this charge is founded runs thus:—"Doctor Rush, in that emphatical "style, which is peculiar to himself, calls mercury "the *Sampson* of medicine. In his hands, and in "those of his partizans, it may, indeed, be com-"pared to Sampson; for, I verily believe, they "have slain more Americans with it, than ever "Sampson slew of the Philistines. The Israelite "slew his thousands, but the Rushites have "slain their tens of thousands."

THE pleaders for Rush have told you, that this is accusing him of *murder*. How unfair this construction is; what a shameful perversion it is of the defendant's meaning, must be evident to every man of common understanding.* I can hardly believe that it can ever be the duty of advocates

* SHAMEFUL as the perversion was, however, we shall see, by and by, that the *Judge* gave into it, and actually told the Jury that I had accused the Doctor of *murdering* his patients, though the word *murder* was not to be found in any of the expresions laid in the declaration.

vocates to *lie* in this impudent manner (for wilful misconstruction is lying), and, when they do, I am certain that jurors ought not to give any weight to what they say; much less ought they to *affect* to look upon such bare-faced falshoods as truths. Jurors should recollect, that they are sworn to decide according to the conviction which is produced in their own minds; and, when they do not act up to the spirit of this oath, they will in vain seek for a justification in the *assertions* from the bar, or even from the bench.

UNWILLING to trust to *one interpretation* of the words, on which this charge is founded, the Rushite counsel have asserted, 1. that these words accuse Doctor Rush of *killing people with deadly weapons;* and 2. that they accuse him of *killing people with his physick.*—I shall consider them separately.

TAKE the passage above quoted from Porcupine's Gazette, strip it of its figurative quality, insist upon its being literally understood, make it positive instead of doubtful, and then cut it up into simple sentences, considering each as having been made use of detached from all the rest; after having thus strained, twisted, garbelled, and gutted the writing of the defendant, I will allow, that something like an accusation of *killing people with deadly weapons* may be made out. But, it is not thus that a man's words are to be treated; his person and estate are not to be brought into jeopardy

pardy by such miserable petitfogging interpretations: pitiful, indeed, would be the liberty of speech and of the press, were every sentence liable to a judicial criticism of this sort. No, no; the *Common Law of England* (which, as I observed before, is, in this case, the law of America) encourages no such uncandid, no such litigious proceeding. That Law, I had almost said that *holy Law*, which is the result of the researches of wisdom actuated by the spirit of justice; that Law, which, while it has clad *good* character in a coat of mail, has thrown a shield before the body of the critick, the satyrist, and the publick censor; that Law tells you, that the words, on which an action of Slander is grounded, shall be understood neither in their *best sense* nor their *worst sense*, but "that "the words shall be taken in the same sense, as "they would be understood by those who hear or "read them, and for that purpose all the words "ought to be taken together."—*See Buller's Nisi Prius, p.* 4.

Now, Gentlemen of the jury, casting behind you the base misconstructions by which you have been led astray, and taking the law for your guide, go once more over the words of Mr. Cobbett. "Doctor Rush," says he, "in that emphatical style "which is peculiar to himself, calls Mercury the "Sampson of medicine. In his hands, and in "those of his partizans, it may, indeed, be justly "compared to Sampson; for, I verily *believe*, that "they have slain more Americans with it, then ever "Sampson

"Sampson slew of the Philistines. The Israelite "slew his thousands, but the Rushites have slain "their tens of thousands."

WHAT, on your oaths I ask you; do you, upon hearing these words, understand the writer to mean? Should you, had you read this passage in a foreign news-paper, have concluded that this Doctor Rush was in the habit of *killing people with deadly weapons?* No, no, Gentlemen, you would have drawn no such conclusion! you would have thought that he was a man, who, with his disciples, followed a very bold and dangerous system of medicine, and you would have thought nothing more. You would have looked upon him as a deceived, an ignorant, and, perhaps, an obstinate man; but, you would have attached to his actions no idea of *criminality;* and, I beg you to observe well, that it is for accusing him with *criminal killing*, that you are, on this count of the declaration, called upon to give a verdict against the defendant: should you comply with the request, the future fate of *your* characters need not be foretold.

BUT, Gentlemen, I will, for a moment, suppose the words to imply *killing with deadly weapons*, and, even upon that supposition, I maintain that they are not actionable; and, of course, that they ought to make nothing against the defendant.

IN

In the first place they are too indefinite with respect to the persons: Doctor Rush is confounded with a numerous class, called the Rushites, and the persons killed are neither named nor described. The law is extremely scrupulous on these points, and positively rejects every thing that has only an imaginary existence. For an action of slander to lie, on account of an accusation of *killing*, the words must not only evidently apply to the plaintiff as the killer, but, in a case like the present, it must also appear, that the persons, said to be killed, *are actually dead;* for instance, if I say to either of you, "Thou hast poisoned A. B. " and it shall cost me £.100 but I will hang thee: " No action will lie for these words, *without proof* " *being produced by the plaintiff, that A. B. is ac-* " *tually dead.*" See Rolle's Abridgement, Vol. I. p. 77.—Thus, you see, though the killer and the killed are clearly designated, the law rejects the action, because *the death* is not proved.

But, Gentlemen, suppose the Doctor were to pull out a list of his patients for some years past; suppose he were to point to the populous grave yards of this unfortunate city, and say, *these* are the people that the defendant has accused me of killing with deadly weapons; and suppose you should be convinced of the truth of his assertion. Still the action will not lie; unless it be evident, that Mr. Cobbett meant, that these people were killed *criminally*, and to ascertain this, *all* the words must be taken together. For instance, if I

say,

say, "*Mr. Harper is a thief,*" and if I stop there, an action will lie against me; but, if I say "*Mr. Harper is a thief,* FOR *he has stolen the* "*thoughts, the words, the expressions, the senten-* "*ces, and even whole paragraphs, from Monsieur* "*Mallet du Pan, and dressed them up into a speech* "*for Congress;*" no action will lie for these words, 1. because the latter part of the words are satisfactorily explanatory of the former, and 2. because the words, taken all together, do not accuse Mr. Harper of any *crime*, but merely of a little of what the law calls *Tover and Conversion*, and what, in the critick's court, is called *plagiarism*.—A case more in point, however, is to be found in ROLLE'S ABRIDGEMENT, Vol. I. p. 72, where it is said: "If a man says of J. S.— "*as soon as Bushe had killed Smith, he came to* "*J. S. and told him, how he had killed Smith, and* "*J. S. gave Bushe money to shift him away.*" The law says, Gentlemen, that no action will lie for this accusation, though Smith be proved to be dead; "for" says the learned Reporter, "the "word *kill* is too general, and a man may *kill* "another in his own defence, &c. without com- "mitting any crime." And if the word *kill* does not imply criminality in the act, how much less does the word *slay*, which is, now-a-days, exclusively appropriated to narratives of battles, and is *never* employed as a substitute for *murder*, or *assassination*; whereas, *to kill* sometimes is.

THIS is, however, only a waste of time; for, you never can have believed, that the defendant meant to

to accuse Doctor Rush of *criminally* putting thousands and tens of thousands of Americans to death. The suggestion is an insult to common sense, and a disgrace to the judges who have suffered you to listen to it.

THE other construction, put upon the words of the defendant, is more reasonable; to wit: *that he has accused Doctor Rush of killing his patients with his remedies.*—The words, taken all together, do not warrant this construction; but, admit that they do; still they are not actionable, notwithstanding the assertion of the *learned* Ingersol. This man has told you, that he has "*an authority*" for this assertion. I wish he had told you *what* authority it was. Perhaps it was Governor (sometime Chief Justice) Mc. Kean? If so, I applaud his prudence in keeping the name to himself. The authority, to which I shall appeal, is of a different stamp.—"A man says of a physi-
"cian, *He hath killed J. S. in the Old Jewry,*
"*with physick, which physick was a pill, and Doc-*
"*tor Atkins and Doctor Pady found the vomit in*
"*his mouth.*"—This is no vague charge; the meaning of the words is by no means dubious; the defendant does not, like Mr. Cobbett, speak in figurative language, and qualify his assertion with a phrase expressive of uncertainty; the accusation is to be literally understood; it is clear, direct, with the circumstances of manner, time, and place. Yet, says my authority, "no action
"will lie for these words; for, if a physician
"give medicines or drugs to his patient, with an

" intent to recover him from his sickness, though
" the patient die after having taken them, still
" the physician is not punishable, so long as it
" does not appear that he gave the medicines
" knowing them to be contrary to the nature of
" the disease.—If the man had said, *that the phy-*
" *sician killed J. S. with medicines, which he ad-*
" *ministered knowing them to be contrary to the na-*
" *ture of the disease*, an action would have lain for
" these words."—See ROLLE'S ABRIDGEMENT, Vol. I. p. 71.

THIS, Gentlemen of the Jury, is the language of the Common law of England, and, give me leave to say, that it is also the language of reason; for it would be absurd to suppose that an action of slander is to be avoided by circumlocutory phrases; by saying in many words what might be said in few. And, if no speech and no writing is to be made use of, which can be fairly construed to mean that a physician has *killed* his patient by his remedies; then I say, that all controversy about modes of cure must from henceforth cease; for, it is absolutely impossible to speak with *disapprobation* of a physician's practice, without making use of such words, as will, directly or indirectly, imply, that *he has killed his patients with his remedies.* Doctor Brickell, for instance, in remonstrating against the treatment of General Washington by Doctors Craik and Dick, has these words: " Thus,
" we see, by their own statement, that they drew
' from a man in the sixty ninth year of his age,
" the enormous quantity of eighty two ounces,

or

" or above two quarts and an half of blood in about " thirteen hours. Very few of the most robust " young men in the world could survive such a " loss of blood; but the body of an aged person, " *must* be so exhausted, and all his powers so " weakened *by it* as to *make his death* speedy and " *inevitable*. Here *the effect followed the cause* " *precisely:* the physicians soon observed the " powers of life yielding; a loss of speech; and " that he expired without a struggle! The *excess-* " *sive bleeding had left him no strength to strug-* " *gle!!*"

Now, Gentlemen, follow the rule laid down by the law, take all Doctor Brickell's words together, and you will, at once, perceive, that he charges these physicians with killing General Washington with their remedies. He tells them, that the blood they took from their patient *rendered his death inevitable;* he says that their bleeding was *the cause of his death;* and that the *excessive* bleeding left him *no strength to struggle with.*—But, are these not *truths?* And shall this, or any other man, be prevented from speaking and publishing these salutary truths? Shall he be harrassed and prosecuted; shall he be muzzled, gagged, or fined to his ruin, because he has had publick spirit enough to promulgate truths so necessary to the preservation of even the lives of the people; and all this merely because the promulgation tends to diminish the practice and profits of a second Sangrado and his bleeding disciples?—The Law says, no! Reason turns with disgust from the

the absurdity; Justice grasps her sword, and Liberty revolts, at the presumptuous, the tyrannical position!

HAVING now, Gentlemen of the Jury, completely justified the words of the defendant, by establishing the *truth* of those which are, in themselves, actionable, and by proving that those, the truth of which does not admit of positive proof, are, in no sense, actionable, it is not a duty incumbent on me to show, that none of them were published with a *malicious intent:* the charge of *falshood* being disproved, that of *malice* falls of course. But, Gentlemen, witnesses have been produced to make you believe that private malice, and not public good, was the basis of the publications; and, the defendant, strong in the purity of his motives, and indignant at the reproach, with which he has been assailed, instructs me to repel the ungrateful insinuation.

THE three witnesses, to whom you have been listening, are all physicians (as they have the politeness to call themselves) of the school of Rush; two of them were his *pupils*, and, I trust, no one of the three would have been admitted to give evidence, in a similar case, in any other court in the world; seeing that each of them, in proportion to the extent of his practice, is as deeply interested in the result of this trial, as is the plaintiff himself. Observe, Gentlemen, that, when Mr. Cobbett speaks of the deadly effects of the System of Depletion, he does not say, that *Rush* has slain "his thou-

" sands and tens of thousands," but that, the " *Rushites*" (that is, all those who follow this fatal system) " have slain *their* thousands and tens " of thousands;" so that, the persons who have been admitted to give evidence, are, virtually, joint plaintiffs in the cause! It was lately decided by the judges in this very court, that no inhabitant of Philadelphia should be admitted to give evidence against persons charged with the transgression of the law prohibiting the erection of wooden buildings; because, living in the same city, where the building had been erected, he might *possibly* be interested in the result of the trial. And, if this was good ground for exception, how much better is the ground for excepting to the evidence of "Rushites" in the present case? And yet this evidence is admitted!—Is this your impartiality! Blush, Philadelphians, for your tranquil submission!

BUT, Gentlemen of the Jury, you have, however, heard this evidence, and therefore, I shall, for the reasons before stated, endeavour to remove the impression it may have produced.

THE first of these witnesses is *James Mease.** He

* BESIDES the interest, which these men had in common with Rush, they each of them had a *private grudge* against me, which will clearly account for their volunteering in the business, and for their treachery in divulging private conversations. Mease's conduct at the island was very severely, though very justly, treated in Porcupine's Gazette; and, it will

He has told you, that, about six months *after* this action was commenced, he heard the defendant say, speaking of Doctor Rush: "*Damn him, "he had better withdraw his suit, or I will persecute "him while living, and his memory after his death.*" —The plain truth of the matter is this: Mr. Cobbett went to the Island, where Mease was king Robinson Crusoe, along with an English Captain, who had some business with a sick sailor. While the Captain was gone to the Hospital, Mease asked Mr. Cobbett into his apartment, brought out a bottle of wine, and gave him a pressing invitation to dinner. The invitation was declined, but two or three glasses of wine were drunk, and a conversation, of the rallying bantering kind, took place; and, as it is impossible to be with a Rushite for a quarter of an hour, without being pestered with an eulogium on the fraternity and the abominable remedies they employ, Rush and his law-suit soon became the topic. Mr. Cobbett certainly did, on this occasion, as on many others, make use of words strongly expressive

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will be remembered, that he hated me for refusing to publish his base and assassin-like attack on poor sottish Mifflin. If the man who reads this note, has not read the first number of the Rush-Light, I beg him to turn to it, where he will see recorded an act of this Mease, surpassing in ingratitude, in treachery, in cowardly black-hearted malice, any thing ever imputed even to the inhabitants of the infernal regions. And, when he has read this, let him recollect, that this Mease is the *pupil*, the *dear friend*, and one of the *trumpets* of Rush, who, in his Account of the Yellow Fever of 1793, *blessed God* for preserving the young man's "precious life!"---Such, or nearly such, are *all* his friends.

sive of his resentment at Rush's insolent and vexatious appeal to the law, and he well remembers threatening *to make him repent of it*; but, as to *damning* him, he utterly denies it; for, though he has to atone for too many sins of this sort, he is certain that he never so far degraded a curse as to bestow it on Rush. And, with respect to his saying, that he would persecute *his memory after his death*, the thing is absolutely incredible: he might as reasonably have threatened to persecute the *memory* of a butterfly or maggot. "Can "the *Rush*," says Job, "grow up without mire? "Whilst it is yet in his greenness, *and not cut* "*down, it withereth before any other herb.*"—Upon reading these words, one is tempted to believe, that the holy seer really had the Pennsylvanian Hippocrates in his eye; for, though he is yet in his greenness, though he is still alive, his fame has perished of itself; it is withered and dead.

HOWEVER, Gentlemen, what degree of credit soever you may be inclined to give to the evidence of *Physician* Mease; though you should believe that the defendant uttered the words precisely as the witness has stated, you must remember, that these words were uttered eight months *after* the suit was commenced; and, that they cannot tend to establish the *malice* imputed to the publications, for which this action is brought, because, they express resentment against Rush for his conduct *subsequent* to those publications.

THE

THE next of the volunteer witnesses is *John Redman Coxe.* He tells you, Gentlemen, that on the 2nd of October, 1797, which was some weeks after this action was commenced, he was in Mr. Cobbett's house,* and that he there heard him say, that " he did not *believe* he should have " said *so much* on bleeding or mercurials if Doc- " tor Rush had not been the founder of the Sys- " tem."—By the little cunning sniveller's noting down the very day of his visit, it would appear that he

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*YES, this subaltern Sangrado did really come to my house about this time, and did very earnestly intercede with me in behalf of his preceptor; and, by the same token, I remember, that he presented me a list of physicians of Philadelphia, whom he very strenuously persuaded me to *lampoon!* Upon this list were the names of Khun, Wistar, Parke and several others; and the base accusation, which he wished *me* to prefer against these respectable gentlemen and truly eminent physicians, was, that they had *deserted the poor in the hour of distress*, than which nothing would have been more false and malicious, or produced against the parties more public odium and reproach.---" *Damme,*" said the little bleeder, " *shoot o e of your quills at them: you'll set " Wistar dancing mad, and he's a sly democrat.*"---I resisted this eloquent solicitation. I felt no inclination to set Doctor Wistar dancing mad: for, whatever might be his political opinions, he kept them to himself; and I had always heard, that he was a man of great private worth.

SUCH are the *pupils*, the *friends*, and the witnesses of Rush! Such are the fellows, who have the impudence to come forward in a court of justice, and accuse *me* of *underhand malice!*---Happy would it have been for them, had they been yet unborn. Their great leader will sink, and will drag them all down with him to the bottom of the mire.

he attached great importance to these words; but Gentlemen, you assuredly cannot believe, that they have the least tendency to establish the *malice*, which is imputed to the publications of the defendant. Mr. Cobbett said, " he *believed*, that " he should not have said *so much* about bleeding " and mercurials, if *Doctor Rush* had not been the " founder of the system."—What is the meaning of these words? Do they imply malice against the *man*, as the babblers on the other side have asserted? No such thing, Mr. Cobbett having always entertained that opinion of Rush, which his conduct in the Fever of 1793 was so well calculated to confirm; having always looked upon him as a wild and persevering experimenter, and having seen him publish, that he was " *resolved* to *stick* " to his *principles* and his *practice* to the *last ex-* " *tremity*," was it not very natural, that the character of the *man* should increase his zeal against the system? And, was it not as natural that he should say, that he *believed* he should not have said *so much* against it, if Rush had not been its founder? Permit me to put a case to you, Gentlemen. Suppose Jefferson were to propose to you a new alliance with France: should you listen to it with the same patience as you would to a similar proposition from Mr. Adams? And would you not be justified in declaring, that you *believed* you should not have said *so much* about it, if Jefferson had not been the proposer? Should you not, if this your declaration were brought forward as a proof of your *malice* against Jefferson, spurn at the promoters of the charge and the wretched spies they had em-

 ployed?

ployed? Were you free men, nay, were you vassals, were you slaves, were you any thing but Philadelphians, you certainly would.

THE last of this goodly trio of betrayers of private conversation is *William Dewees.**

AND here, gentlemen, I shall, for the first time, take the liberty to deviate, for one moment, from my subject, in order to give you some idea of the character of the *father* of this witness. This is fully warranted by the manner in which the action has been attempted to be supported by the Rushite pleaders, who have not only loaded the character of the defendant himself with every species of calumny, but have most shamefully slandered his

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* I HAVE shown, that the other two witnesses had a private grudge against me, and that *Dewees* had also, the reader will be convinced, when he is told that the following article appeared in Porcupine's Gazette.

"Another Puff."

(From the New-York Gazette.)

"Messrs. M'LEAN & LANG,

"A Philadelphian now in New-York, was yesterday "sorry to see the *able* and *useful* Physician *Dr. Dewees* in "this city---knowing that his absence from Philadelphia will "prove a *serious loss* to the afflicted of that place.

"Sunday morning, Sept. 17, 1797."

THIS article, which was, most probably, sent to the New York Gazette by the "*a le* and *useful* physician himself," was inserted in my paper immediately after my comments on one of Rush's most impudent puffs.——This is the way they have gone on all over the country. There is not a single member of the fraternity, who is not a *puffer*.

his honest parents, by asserting that he is "a wretch "cast up from the *slime* of mankind." That this is false you well know, and that it merits that retaliation which truth can inflict you cannot deny. The gin-shop pedigree of the plaintiff you are all acquainted with; something very pretty might be said about the *relations* and the *descendants* of the two first witnesses, *Mease* and *Coxe*;* and, the following account of the progenitor of Dewees seems necessary to complete the genealogy.

THE modesty of this "*able* and *useful* physi-"cian" never suffered him, I dare say, to suppose that the fame of his ancestor was recorded in *history;* and I have no doubt that he will feel himself obliged to me for acquainting him with the fact. *Mr. Smyth*, who was a British officer, confined as a prisoner of war, in the jail of Philadelphia, during the revolution, and who afterwards published an account of his treatment, speaks thus of the father of the witness:

"ALL this time the Gaoler charged us at an "extravagant rate for diet, fire, and candle, be-"sides an allowance that he received from the "Congress for that purpose; by which means he "extorted every farthing of money from us, as "far as our credit then would go. But being de-"termined not to run in debt, I at length refu-"sed to pay him any more than the Congress al-

"lowed

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* THIS is "high matter," and will form a separate and most curious article in the Rush-Light.

" lowed, and was obliged after this to subsist " upon bread and water alone during seven weeks. " This gaoler's name was *Thomas Dewees*, as ty- " rannical, cruel, infamous a villain as ever dis- " graced human nature." After Mr. Smyth joined the Royal Army, he came with it from the Head of Elk to Philadelphia.—" On the morn- " ing," says he, " of the day that a detachment of " the British army first entered Philadelphia, a " number of the Americans fell into my hands, " and amongst the rest *Thomas Dewees*, the cruel, " tyrannical gaoler, under whose iron taloons I " had suffered so long and severely. As soon as " this wretch found that I was the officer com- " manding the party, his terror is not to be de- " scribed, as he expected nothing less than im- " mediate death; falling on his knees he begged " for his life, and for mercy: I desired him to con- " sider, what he merited from me? He acknow- " ledged he deserved neither favour nor compas- " sion, said that his orders respecting me had been " more rigorous than against any other, and ow- " ned that he had executed them in their full se- " verity; but still most earnestly entreated forgive- " ness. I told him that for the sake of his inno- " cent wife and *children* (for he had a large family), " I would forgive him, as he professed sincere " contrition, and proposed to take the *oaths of al- " legiance to his Majesty:* this he *readily perfor- " med;* and had the audacity afterwards of apply- " ing to Earl Cornwallis to be appointed Deputy " Provost Marshal *over the American prisoners* in

" Philadelphia,

" Philadelphia, in the accomplishment of which " pursuit, however, he very justly failed."*

SUCH is the account which history gives of the father. Now let us judge of the son, by the evidence which, in this trial, he has given with the intent of establishing the charge of *malice* against the defendant.—The witness relates to you, that, being at the defendant's house in the month of *January*, 1797 (nine months previous to the date of the publications, on which the action is grounded), he heard him reprobate the Eulogium on Rittenhouse, which Rush had just then delivered; and that, on this occasion, he heard the defendant say, that the Eulogium was " *too republican*," adding, " *damn him, I will attack him for it.*" Hence, Gentlemen, you are requested to believe, that the publications of *September* were no more than a fulfilment of the threat of *January;* and that Rush's system of bleeding was attacked from *political* motives, and not from any opinion that the defendant entertained of its dangerous effects. Levi has told you, that Mr. Cobbett never attacked the Doctor's politics: " not a word," says he, " was ever seen upon *that* head; his attack was " designed to be on a part more injurious to the " *man;* he threatens in January, and executes in " September. The arrow was stuck in his side, " he did not attempt to draw it out at the mo-

" ment,

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* See SMYTH'S TOUR IN THE UNITED STATES. These extracts are taken from Vol. II. p. 293 and 422. The work has long been in the Philadelphia Library, and has been sold in every city in the United States.

" ment, but he let it remain till a fit period for " making it felt."

When a small-lawyer gets hold of a figure of rhetorick, he uses it as awkwardly as a baby does a knife, sometimes seizing it by the handle and sometimes by the blade, while the compassionate Jury sit trembling with anxiety for the consequences. Such, Gentlemen, must have been your feelings whilst listening to the illustration of Levi. But, the nonsense of my little Moses's figure, palpable as it is, is not quite so palpable as its falsehood. It is false, *notoriously* false, to say that Mr. Cobbett never attacked the Doctor's Eulogium on Rittenhouse. He did attack it. Nor did the *arrow*, as the Israelite calls it, remain long to rankle in his side. He threatened in January, 1797, and there is not a man amongst you, who does not know, that, in his Censor for *the very same month of January*, he put his threat into execution. Further: which of you has not read the last " Will and Testament of Peter Porcupine," published in *March*, 1797; and which of you, then, does not *know*, that the Eulogium was there attacked a second time, previous to the publishing of the words laid in the declaration? The silly sans-culottish Eulogium was not only attacked, but was destroyed, and was, by the defendant and every body else, completely forgotten long before the month of September.*

What,

* Mr. Harper said, he had read this Eulogium *with pleasure*. If Mr. Harper was serious, he has a singular taste; for I can tell him, that it is (or was, while it was above ground) despised by every man, possessed of critical knowledge

What, then, becomes of the support, which this part of the testimony of Dewees is intended to give to the charge of *malice?*—How it dwindles and disappears!

THE latter part of this man's evidence is, like the former, merely *presumptive*, and, upon examination, it will be found to be equally destitute of weight.

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ledge, or even of common sense.---Mr. Harper (though one of my *advocates*) further observed, that it was "very *impertinent* in *me* to express my disapprobation of it, for, that I had "*no business* with it."---Mr. Harper's notions of *impertinence* are as singular as is his taste in literary productions. He does, however, very graciously allow, that I had "certainly a "*right* to *find fault* with it." This was going great lengths for his client; but Mr. Harper will oblige the world by explaining how I could possibly have "a *right* to *find fault* with it," if I had "*no business* with it," and if it was "*impertinence*" in me to speak against it. Mr. Harper does not know every thing. I dare say he does not know, for instance, that the vote of thanks, passed by the American Philosophical Society for this Eulogium of Rush, was carried by *mere faction;* and that, though it was said to be *unanimous*, it was actually opposed by the most learned and respectable members, amongst whom was *Bishop White*, whose well-founded objections were replied to by uncandid and bitter *political* reflections from the overbearing, insolent *Mack Kean*.---Let Mr. Harper learn a little more, before he takes upon him to reprobate and condemn the opinions and the conduct of those, whose *intentions*, at least, are as good as his own. Let him claim, let him receive and enjoy, all the popularity he deserves for his zealous, his great, and efficacious endeavours, in support of the government; but, let me conjure him, to resolve, before he undertakes another cause, never to seek to preserve that popularity by traducing the character of his client, even though that client should have the misfortune to be the subject of a king.

weight. But, Gentlemen, there is *something else*, of which, take it all together, it is also destitute.

He has told you, that, notwithstanding he is of the school of the American Sangrado, *Mr. Cobbett employed him as a physician in his family, and, moreover, recommended him to his friends.*—As a conclusive refutation of the former part of this statement, as an unquestionable proof that Dewees was never Mr. Cobbett's physician, I might remind you, that Mr. Cobbett is *yet alive*. He might reply to this impudent assertion of the witness, in the language of Boileau's pithy epigram to Doctor Perrault, of which I will give you an humble imitation.

You say, then, you blood-sucking elf,
That you've been our physician, all round?
I swear that you ne'er bled myself,
And the proof is,---*I'm yet above ground.**

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* "Tu dis, donc, que tu, Monsieur l'assassin,
"M'as gueri d'une forte maladie:
"La preuve que tu ne fus pas mon médecin,
"C'est, que je suis encore en vie."

It is worthy of remark, that the Satyrist here calls Doctor Perrault an *assassin*, and that, harsh as the term is, Perrault never brought an action of Slander against him: if he had, all the satisfaction he would have obtained, would have been a horse laugh.---A million instances might be produced of the great liberty enjoyed by the French writers under the much-abused Monarchy.---I am far from saying, that one man ought to be allowed to call another an *assassin*; but, a court of Justice, under the old French government, would have clearly perceived, that the words of Boileau did not tend to create a belief, that Perrault was actually a *murderer;* and they would have justly concluded, that the medical character, which was endangered by an epigram, was not worthy of the protection of the law.

FROM this evidence of Dewees, however, you are requested and almost *ordered*, to believe, that Mr. Cobbett had no real dislike to the Rushite *system*, but that his attack on the system arose from the *malice*, which he entertained against the *man*.—This conclusion, admitting the premises, is very unfair; for, the evidence does not state, that the witness was either employed or recommended, by the defendant, in cases of the *yellow fever*. Indeed, it expressly states that *he was not*; and you well *know*, that the defendant has had the *yellow fever* twice in his family, and that, it is the Rushite treatment of *this disease alone*, which the publications before you were intended to destroy.

BUT, this general reply, though quite satisfactory, shall not content me: the witness deserves to be exposed.—Being asked how long he had *attended* in Mr. Cobbett's family, he replies: "*from* the return of the citizens in 1798," which certainly means, that he had given *all* the medical assistance required in the family, from the Autumn of 1798 to this present time, the Autumn of 1799. —Now, Gentlemen, recollect that this man was sworn to " tell the truth, the *whole* truth, and " nothing but the truth, *so help him God*; " and then I beg your attention to a true story.

DOCTOR Budd was Mr. Cobbett's family Doctor, from the time that he arrived in Philadelphia to the time that he quitted it; but, in the Summer of 1798, Doctor Budd retired into New-Jersy, where

he remained 'till the people returned to the city. Mrs. Cobbett was, at this time, pregnant, and, as a precaution, in case of need, some one was sought for to supply the place of Doctor Budd. Mr. Cobbett was situated at Bustleton, 50 miles from Doctor Budd, 12 from Philadelphia, and 8 from Dewees. Very pressing solicitations were made to Doctor Budd, who would have staid at Bustleton on purpose, had not his family demanded his presence. No one from the city could be thought on; because, besides the great risk arising from his constant employment, the gentleman engaged might die before the time arrived, and Mr. Cobbett knew that the friends, with whom he lived, had some objection to receiving into their house persons coming from the seat of infection and mortality. Under these circumstances, Dewees was applied to, but not 'till after repeated efforts had been made in vain to secure the attendance of a reputable *female* practitioner. Thus, then, Granny Dewees was introduced into the defendant's family as a last shift, a poor despicable *pis-aller*.

Mrs. Cobbett returned to the city before the child was born, and Doctor Budd would now have been the man: but, as Granny Dewees had been *bespoken*, and as he had been put to the trouble of two or three journeys to Bustleton, it was determined that he should attend; but not without the express promise from Mrs. Cobbett to her husband, that she would swallow none *of his drugs*, and that Doctor Budd should be called, if any medical assistance should be found necessary.—All terminated

minated well: Granny Dewees performed his part as expertly as any skilful dame in the parish could have done, and there ended his *attendance* for that time.

In the summer of 1799, the parties were distributed precisely in the same way as they were in 1798. The Dysentery raged in the neighbourhood of Mr. Cobbett, who was afraid that his little boy had got the disorder, and who, thereupon, wrote a note to the pis-aller, Dewees, describing the state of the child, requesting him to ride over to Bustleton, and to bring with him what he thought might be of use. He attended the next day, and left a packet of powders. As soon as the man of science was gone, Mr. and Mrs. Cobbett and a young man who has long lived in the family, held a *consultation*, not on the patient, but, on the drugs; which, after a very deliberate discussion, it was unanimously resolved *to throw into the fire*.—The child recovered; Dewees attributed the recovery to his Mercurials, and has, I dare say, recorded it amongst the wonders he has wrought. He was suffered to hug himself in the deception, and there ended his "*attendance*," in the defendant's family, for the second and last time.

Now, Gentlemen, was this attending in Mr. Cobbett's family "*from* the Autumn of 1798?" Dewees called at Mr. Cobbett's in the spring of 1799, and observing a mark on the little boy's arm, he asked if he had been innoculated. Mrs. Cobbett told him he had, and he well knew that *he* had

had not been the innoculator. He, therefore, knew that he had *not* attended in the family " *from* the Autumn of 1798."

THIS witness being asked *who* was Mr. Cobbett's family physician, replies : " I cannot tell." —Hear the truth, Gentlemen. While he was attending on Mrs. Cobbett, her little daughter was taken ill. Seeing the child with all the appearances of sickness about her, he asked what remedies had been applied, and was told, that *Doctor Budd* had prescribed for her.—So that he *knew*, and could have told, *who* was the family Doctor of the defendant.

BEING asked, whether he had ever been recommended by Mr. Cobbett to any other *families*, he replies: " Yes; frequently."—The *truth* is this. While Mr. Cobbett was at Bustleton and while the physicians were all employed or dispersed, he advised *two* neighbours, one in the *dysentery* and one with a *bleeding at the nose*, to send for the Pis-Aller, judging him to be somewhat better than no Doctor at all. *Twice* is not *frequently*. Frequently means *oftentimes* and *commonly*. Besides, if Dewees had recollected that his oath bound him, in the name of God, to tell the *whole* truth, he would have told you, that, at the very time that he was visiting these two neighbours of the defendant, another neighbour was taken ill of what was thought to be the Yellow Fever, and that Mr. Cobbett, who could have brought Dewees to the spot in an hour, sent for

Doctor

Doctor Monges, first to Philadelphia, then into the Neck, and after that to Jenkintown, whence he was at last brought to the patient, at 12 o'clock at night!*

WHAT, then, becomes of the evidence; what becomes of the character and the conscience, the body and the soul, of Dewees?†

BUT,

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* BY the by, this recommending and sending for Doctors to my neighbours, does not seem to be a very good proof of that *hardness of heart* and that *insignificance* in society, which the lying and ungrateful miscreants of Philadelphia have *affected* to attribute to me.---*Governor* Mack Kean, *lawyer* Hopkinson and *lawyer* Levi, were, last summer, deposited in farm houses near my country retreat. I'll engage no neighbour was ever troubled with *their* solicitude for his welfare; I believe, that no one, even of the most wretched, would have listened to a recommendation from *their* lips; and I much question, if my *word* would not, amongst *any* of my neighbours, have passed for more than the joint *bond* of the three.

† I AM told, that Dewees has said, that he is *sorry* for what has happened; and, for once, I believe him most sincerely! But, it is a pity he was not taken with this fit of remorse, before he marched amongst the volunteers to the Court, to betray the private conversation of his customer.

* STRANGE to tell, *Rush* also says he is *sorry!!!*---Sympathetick soul! I dare say, it grieves him to death to be forced to receive 5,000 dollars of British money!---It is said, however, that he has gotten his *chariot* new-painted, and has spruced himself up, since the "*liberal*" decision. This does not look much like mourning. Whether his sorrow was expressed *since* the gleam of the Rush-Light began to appear, or before, I cannot ascertain.

But, Gentlemen of the Jury, this refutation of the verbal testimony was entirely useless to *you*. You wanted no information on the subject, but what you already possessed. You *all know of yourselves*, that when the yellow fever was in Mr. Cobbett's own family, the physicians he employed were not of the school of Sangrado; you *know*, that they were *Doctor Monges* and that very *Doctor Stevens*, whom the impudent and insolent Rush had accused of *slaying more than the sword*, and to whom the defendant, along with hundreds of others, owe the preservation of their lives. Neither you nor any other inhabitant of Philadelphia can plead ignorance of this fact. Mr. Cobbett has more than once made his *publick* acknowledgements to these preservers of himself and his family. What further information, then, can you want? You *know*, that, when he was *himself* attacked by the dreadful disease, in that awful moment, you *know* that he not only rejected the system against which he had written, but that he put himself into the hands of the very men whom your Rush had marked out as medical murderers, and thus gave to his opinion the pledge of his life! What better assurance could he give of his disbelief in Rush, and of his confidence in the opposite system! What clearer proof of his sincerity, of the purity and benevolence of his intentions, do you want! And what clearer proof, you suspicious and ungrateful people, what clearer proof can you have, unless you rip open his bosom and look into his heart!

HERE, Gentlemen, I close my defence.—I have shown you, that the publications of the defendant are *true*; and that, with respect to his intentions, the imputation of malice is *false*. You must be convinced, that the action is vexatious and groundless; that it is a war of private interest and ambition against the safety, the happiness and the very lives of the people. Standing thus upon the firm ground of justification, I disdain hacknied invocations to the liberty of the press. The defendant stands in need of the interposition of no imaginary goddess; he seeks no shelter from new-discovered principles and new-fangled institutions; he asks no other rights, privileges or immunities, than those which the humblest of his humble forefathers enjoyed; his motto is the motto of his countrymen, *nolumus leges Angliæ mutari*; from those laws, the common, the established, the ancient laws of England, and from those laws alone, he will accept of protection.—From *your* hands he begs not for mercy, but demands justice; and should you despise this demand; should you listen to the suggestions of his base persecutors, and endeavour to "make him *a blighted picture of* "*infamy and ruin*," I venture to predict, that, not only your efforts will prove impotent, but that you, and your city, will repent of your compliance. My word for it, *ruin* is not his fate. "I have "been young, and am now old; yet have I not "seen the righteous forsaken, nor his seed beg-"ging bread." And, though you should succeed in wresting from him the fruit of his care and his toil; though you should embit-

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ter his life with domestick distress, you will, thereby, but extort fresh proofs of his fortitude and intregity, and of the baseness, the malice, the ingratitude and perfidy of his foes: you will only give lustre to his character, and stamp infamy on your own. Nay, should your friends, your neighbours, your countrymen, and the world, join in applauding an iniquitous decision; and should you go on rejoicing to the very verge of the grave; still, you and your accomplices should bear in mind, that all does not end there, and that death is not eternal sleep. The witnesses, to whom you have listened with such delight, are no casuists, I ween, or they would have perceived, that giving such evidence as manifestly tends *to produce a belief of what is not true*, is something very like perjury; and that, HE who has said, "Thou shalt not bear false witness "against thy neighbour," will not be put off with subterfuges and mental reservations. Nor, would I have *you* forget, Gentlemen, that there is *another tribunal* in which you will appear, not to judge but to be judged; and that, *affecting* to believe what you do not and what you cannot believe, though it may *here* serve as a convenient excuse, will not justify you in the presence of the Searcher of all hearts, in whose awful name you have promised to do justice! *There* it will not be asked, whether the plaintiff were an American and a republican; nor, whether the defendant were a Briton and a royalist: the only question, put to you, will be,;—*Have you acted according to your* CONSCIENCES?—That, and that alone, will be the subject of the inquest, and the ground of the judgment!

END OF No. III.—MARCH 24, 1800.